IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE S.SIRI JAGAN

WEDNESDAY, THE 30TH MAY 2007 / 9TH JYAISHTA 1929

WP(C).No. 16447 of 2007(G)

PETITIONER:

BHAKTHOTHAMAN,
S/O APPUTTY, AGED 45, ADUKKALATH VEEDU,
P.O.KUNNAMANGALAM, KOZHIKODE.

BY ADV. SRI.R.BINDU (SASTHAMANGALAM)
SRI.PRASANTH M.P

RESPONDENTS:

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1. THE VILLAGE OFFICER,
VILLAGE OFFICE, KUNNAMANGALAM.

2. THE TAHSILDAR, KOZHIKODE.

3. THE DISTRICT COLLECTOR, KOZHIKODE.

4. STATE OF KERALA,
REPRESENTED BY SECRETARY TO GOVERNMENT,
DEPARTMENT OF REVENUE, GOVERNMENT SECRETARIAT,
THIRUVANANTHAPURAM.

BY GOVERNMENT PLEADER SRI. I.V. PROMOD

THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION ON 30/05/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

S. SIRI JAGAN, J.

W.P.(C)NO. 16447 OF 2007

DATED THIS THE 30th DAY OF MAY, 2007

JUDGMENT

The petitioner challenges Ext.P6 notice, whereby he has been directed to show cause why he should not be evicted from the Government land alleged to be encroached upon by him. The petitioner has filed Ext.P7 objection to the same. The petitioner's contention is that without passing final orders pursuant to Ext.P6, they are taking further proceedings.

2. The learned Government pleader on going through the file without getting instructions, submits that going by Ext.P6 he has only been directed to show cause, failing which only further proceedings are to be initiated.

3. I am of opinion that having issued Ext.P6 notice, the appropriate authority under the Land Conservancy Act, should pass an appealable order pursuant to the same, which can be taken in appeal by the petitioner appropriately. Therefore, I direct that the appropriate authority under the Land Conservancy Act shall pass a

final order pursuant to Ext.P6 after hearing the petitioner and considering his objections and all materials which he may produce in support of his case.

The writ petition is disposed of as above.

S. SIRI JAGAN, JUDGE

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